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SERVICE DATE - DECEMBER 27, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-570 (Sub-No. 1X)

PALOUSE RIVER & COULEE CITY RAILROAD, INC.—ABANDONMENT
EXEMPTION—IN LATAH COUNTY, ID

Decided: December 20, 2001

Palouse River & Coulee City Railroad, Inc. (PRCC) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 26-mile portion of its rail line between milepost 21.0 at Harvard and milepost 47.0 at Bovill, in Latah County, ID. Notice of the exemption was served and published in the Federal Register on October 6, 2000 (65 FR 59891). On November 6, 2000, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding and authorized a 180-day period for Latah County Board of County Commissioners (Latah County) and the Latah Trail Foundation Inc. (LTF) to negotiate an interim trail use/rail banking agreement with PRCC for the right-of-way involved in this proceeding.¹ The negotiating period under the NITU expired on May 6, 2001, but was extended to November 2, 2001, by decision served May 22, 2001.

On December 11, 2001, Latah County filed a request to extend the negotiation period for an additional 180 days. On December 18, 2001, PRCC advised the Board that it had not consummated the abandonment and that it is agreeable to a 180-day extension of the NITU negotiation period.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended.² Under the circumstances, further extension of the negotiating period is warranted. See Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Village v. Missouri Pac. R.R. Co., 95 F.3d 654, 659 (8th Cir. 1996), cert. denied, 519 U.S. 1149 (1997). Accordingly, the NITU negotiating period will be extended to May 1, 2002.

¹ The November 6, 2000 decision also imposed several environmental conditions.

² See Rail Abandonment Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987); Missouri Pacific Railroad Company—Abandonment in OK, Docket No. AB-3 (Sub-No. 63) (ICC served Jan. 2, 1990; and SSW Ry. Co.—Aban.—In Smith and Cherokee Counties, TX, 9 I.C.C.2d 406 (1992).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The negotiating period under the NITU is extended to May 1, 2002.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary